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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/817,944	03/27/2001	James C. Bedingfield	0220-080	9851
52270 7590 05/03/2007 POTOMAC PATENT GROUP, PLLC P.O. BOX 270 FREDERICKSBURG, VA 22404			EXAMINER CAMPBELL, JOSHUA D	
			ART UNIT 2178	PAPER NUMBER
			MAIL DATE 05/03/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

09/817,944

Applicant(s)

BEDINGFIELD, JAMES C.

Examiner

Joshua D. Campbell

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 February 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-11, 13-16 and 18-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11, 13-16 and 18-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. This action is responsive to communications: Amendments filed 2/26/2007.
2. Claims 1-11, 13-16, and 18-23 are pending in this case. Claims 1, 7, and 11 are independent claims. Claims 1, 7, and 11 have been amended.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 3-7, 9-11, 13-16, 19, and 21-23 remain rejected under 35 U.S.C. 102(b) as being anticipated by Davis et al. (hereinafter Davis, US Patent Number 5,937,160, issued on August 10, 1999).

**Regarding independent claim 1**, Davis discloses a method in which an update profile is accessed which contains a named URL and an update frequency for that URL (column 13, line 51-column 14, line 64 of Davis). Davis discloses that a determination about whether that URLs content is to be updated is made based on the update frequency (column 13, line 51-column 14, line 64 of Davis). If the URL needs to be updated a user is notified via e-mail at which point the user accesses the page which causes the server to retrieve a copy of the page and present it to the user (column 13, line 51-column 14, line 64 of Davis). The user then submits a revised copy of the page

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via email at which point the server updates the URL based on the revised copy (column 2, line 36-column 3, line 35 of Davis).

**Regarding dependent claims 3 and 4**, Davis discloses a method in which the web site content includes an update log and that the log is updated whenever a page is last checked and last updated (column 13, line 51-column 14, line 64 of Davis).

**Regarding dependent claims 5 and 6**, Davis discloses a method in which an update profile comprises a web page on a web site and includes an update type, which is used in conjunction with the URL to retrieve the web site content (column 13, line 51-column 14, line 64 of Davis).

**Regarding independent claim 7 and dependent claims 9 and 10**, the claims incorporate substantially similar subject matter as claims 1, 5, and 6. Thus, the claims are rejected along the same rationale as claims 1, 5, and 6.

**Regarding independent claim 11**, Davis discloses a method in which a server, having non-volatile memory and software for updating and e-mailing resident on the server, has a way to communicate with a named party and a web hosting server, having a named party URL and content for that URL resident (column 6, line 7-column 8, line 39 of Davis).

**Regarding dependent claims 13-15**, Davis discloses a method in which an update profile comprises a web page on a web site, which exists on a server's memory, and includes an update type, update frequency, named party URL, and a named party e-mail address (column 13, line 51-column 14, line 64 of Davis).

**Regarding dependent claim 16**, Davis discloses a method in which the web site content includes an update log and that the log is updated whenever a page is last checked and last updated (column 13, line 51-column 14, line 64 of Davis).

**Regarding dependent claim 22**, Davis discloses that the revisions to the website content may include text formatted content and the updating includes mapping the text to hypertext markup language (column 10, line 55-column 11, line 12 of Davis).

**Regarding dependent claims 19, 21, and 23**, Davis discloses that different ports (sections which consist of graphics and/or text) of the website may be specifically designated by the update profile (column 1, lines 36-51 and column 10, lines 20-29 of Davis)

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2, 8, 18, and 20 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Davis et al. (hereinafter Davis, US Patent Number 5,937,160, issued on August 10, 1999) as applied to claims 1, 7, and 11 above, and further in view of Patterson (US Patent Application Publication Number 2003/0028608, filed on January 15, 1999).

**Regarding dependent claims 2 and 8,** Davis discloses a method in which an update profile comprises a named party e-mail address and that the revised copy of the content is sent via email to the server as an attachment (column 13, line 51-column 14, line 64 of Davis). However, Davis does not disclose a method in which a copy of the content is sent to the user from the server as an attachment. However, Patterson discloses a method in which web content is sent to a user as an attachment in an e-mail (page 2-3, paragraphs 0026-0030 of Patterson). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the method of Davis with the method of Patterson because it would have allowed the user to be supplied with the content to be updated without interrupting the current operations being performed by the user.

**Regarding dependent claims 18 and 20,** Davis discloses that the revisions to the website content may include text formatted content and the updating includes mapping the text to hypertext markup language (column 10, line 55-column 11, line 12 of Davis).

### ***Response to Arguments***

7. Applicant's arguments filed 2/26/2007 have been fully considered but they are not persuasive.

In response to applicant's argument on pages 8-10 regarding independent claims 1, 7, and 11, that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., that the reminder e-mail

includes the content of the website) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). The examiner notes that the limitations that are not in the independent claims and are being argued, can actually be found in claims 2 and 8, for this reason a second reference is necessary to provide proper basis for the 35 U.S.C. 103(a) rejection of these claims. Thus, all rejections currently and previously presented remain proper.

Regarding applicant's arguments on pages 8-10, in reference to the limitations of submitting a copy of the content to the named party, the examiner maintains that the rejection is proper based on the teachings of Davis. If the URL needs to be updated a user is notified via e-mail at which point the user accesses the page which causes the server to retrieve a copy of the page and present it to the user (column 13, line 51-column 14, line 64 of Davis). When a user requests a page such as explained in Davis, the user makes a request and the server locates the content ("retrieving a copy...") and the server provides the content to the requestor ("submitting the copy..."). Which clearly provides the teaching necessary to reject the limitations as currently presented.

Regarding applicant's arguments on pages 8-10, in reference to the limitations of receiving a revised copy of the content on from the name party which reflects revisions to the copy of the content, the examiner maintains that the rejection is proper based on the teachings of Davis. The user then submits a revised copy of the page via email at which point the server updates the URL based on the revised copy (column 2, line 36-

column 3, line 35 of Davis). A revised copy by definition reflects the revisions made, hence the term "revised". This copy is received by the server which is clearly shown in Davis, thus it is not clear as to why the Applicant believes the claims as currently presented provide any basis to overcome the current and previous rejection.

### ***Conclusion***

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

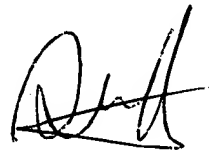
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joshua D. Campbell whose telephone number is (571) 272-4133. The examiner can normally be reached on M-F (7:30 AM - 4:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JDC  
April 17, 2007



STEPHEN HONG  
SUPERVISORY PATENT EXAMINER